



\$

Docket No. 66629-015

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Stephane TOUBOUL, et al.

Serial No.: 10/713,099

Group Art Unit: Unknown

Filed: November 17, 2003

Examiner: Unknown

For: **COMPUTER-IMPLEMENTED METHOD AND SYSTEM FOR MANAGING ACCOUNTING AND BILLING OF TRANSACTIONS OVER PUBLIC MEDIA SUCH AS THE INTERNET**

03/12/2004 GWORDF1 00000055 501946 10713099

01 FC:1460 130.00 DA

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on March 8, 2004.

Signed: Jessica S. Brown  
Jessica S. Brown

PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(d)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Sir:

Applicants hereby petition to make special the above-identified application in accordance with 37 CFR § 1.102(d). Applicants also attach hereto a Preliminary Amendment to the original application. Moreover, pursuant to MPEP § 708.02(VIII), Applicants comply with each of the following items related to accelerated examination:

A. FEE

Please charge Deposit Account 501946 the amount of \$130.00 as set forth in 37 CFR § 1.17(h) to cover the fee for the present Petition to Make Special.

**B. SINGLE INVENTION**

If the Office determines that all the claims presented are not obviously directed to a single invention, Applicants will make an election without traverse and hereby invites the Examiner to contact the undersigned Applicants' representative for a telephonic election.

**C. PRE-EXAMINATION SEARCH**

Applicants submit that a **pre-examination search** has been made. The field of search covers Class 379, subclasses 90.1, 91.01, 93.01, 93.12, 100.03, 100.04, 111, 112.01, 114.01, 114.03, 114.09, 114.15, 114.17, 114.19, 121.01, 121.04, 124 and 126; Class 705, subclasses 1, 30, 35, 39, 40, 44; Class 709, subclasses 200, 223 and 224; and International Classes G 06 F, G 06 F 17/60; H 04 M; H 04 M 15/00, H 04 M 15/02; H 04 M 15/04; H 04 M 15/08; and H 04 M 15/10.

**D. ONE COPY OF REFERENCES**

Copies of the references from the pre-examination search are made of record in the accompanying Information Disclosure Statement. Of these references, the following references are deemed, for purpose of this Petition, most closely related to the subject matter encompassed the claims:

1. U.S. Pat. No. 5,825,883 to Archibald *et al.*
2. U.S. Pat. No. 5,884,284 to Peters *et al.*
3. U.S. Pat. No. 6,137,869 to Voit *et al.*
4. U.S. Pat. No. 6,266,401 to Marchbanks *et al.*
5. U.S. Pat. No. 6,282,276 to Felger
6. U.S. Pat. No. 6,343,284 to Ishikawa *et al.*

7. U.S. Pat. No. 6,529,592 to Khan
8. U.S. Pat. No. 6,553,108 to Felger
9. U.S. Pat. No. 6,570,870 to Berstis
10. U.S. Pat. No. 6,577,858 to Gell
11. 2001/0039191 A1 Maierhofer
12. 2001/0049630 A1 Justice
13. 2002/0087682 A1 Roach
14. 2002/0099653 A1 De Souza *et al.*
15. 2002/0120756 A1 Lynam *et al.*
16. 2002/0128984 A1 Mehta *et al.*
17. 2003/0065615 A1 Aschir
18. WO 01/61592A1 Runonweb, Inc.
19. WO 01/86570A1 Apogee Networks, Inc.
20. WO 03/032618A1 Service Factory SF AB
21. WO 03/081884A1 Telpin Pty. Ltd.

**E. DETAILED DISCUSSION**

Applicants submit the following detailed discussion of the references deemed most closely related to the subject matter encompassed by the claims, pointing out, with the particularity required by 37 CFR § 1.111(b) and (c), how the claimed subject matter is patentable over the references.

The present invention relates to managing accounting and billing e-commerce (including m-commerce) transactions over public media such as the Internet. The user may connect to the e-commerce network by placing a call or sending a text message. The user may then purchase goods and/or services after meeting required user qualifications, such as a minimum credit rating. Per Claims 1-39, 42 and 63-106, at least one of these required user qualifications must be

met by the user before the user is permitted to access the e-commerce network. These user qualifications may be verified within the framework of a gateway that assigns a unique identifier or personal identification number (PIN) for e-commerce network access once the qualifications are met. The user qualifications may also be established within the framework of a remote access server (RAS) that is accessed by a user through a downloadable automatic dialer having code containing a unique identifier relating to a merchant, product or service. The user is invoiced for the product or service according to the telephone from which the call originated.

As is discussed below, none of the references of record, individually or in combination, anticipates or makes obvious the claimed subject matter.

**1. U.S. Pat. No. 5,825,883 to Archibald *et al.***

Archibald discloses accounting and billing for usage of digital applications such as word processing programs and digitized video files. Archibald does not disclose or suggest verification of a user qualification based on the user's credit rating as is recited in Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Archibald does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Archibald does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Further, Archibald does not disclose or suggest text messaging or SMS services in connection with accounting and billing of transactions, as recited in Claim 40. Thus, Archibald does not anticipate or render obvious independent Claim 40. Further, Archibald does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

**2. U.S. Pat. No. 5,884,284 to Peters *et al.***

Peters discloses management of a user's telecommunications account. The types of telecommunications account might be cable television and satellite (including pay-per-view), among others. (Col. 30: 15-24) The system tracks and reports, among other items, the age of accounts receivable on an individual user's account. (Col. 19: 41-43) Although the Peters system discloses generating a credit bureau listing at Col. 21: 14-15, this listing or report indicates accounts for which a deposit is required. Peters does not disclose or suggest a qualification verification device that verifies a user qualification based on the user's credit rating. This limitation is recited in Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Peters does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Peters does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Peters does not disclose or suggest identification of a user through his/her text message service provider as in Claim 40 of the instant application. Thus, Peters does not anticipate or render obvious independent Claim 40. Further, Peters does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

**3. U.S. Pat. No. 6,137,869 to Voit *et al.***

Voit discloses network sessions management related to Internet telephone calls. Voit's system includes network usage recording, usage pricing, billing account management and fraud control. (Abstract) A billing and authorization account is maintained in an Internet database for each Internet telephone subscriber, and the system authorizes a call based on identification and

password information obtained from the caller. (Col. 4: 66-Col. 5:3) After the Internet call is completed, usage data is reported and the caller is billed. (Col. 5: 5-7)

Voit does not disclose or suggest verification of a user qualification based on the user's credit rating. This limitation is recited in Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Voit does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Voit does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Voit does not disclose or suggest identification of a user through his/her text message service provider as recited in Claim 40. Thus, Voit does not anticipate or render obvious independent Claim 40. Further, Voit does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

**4. U.S. Pat. No. 6,266,401 to Marchbanks *et al.***

Marchbanks discloses a billing system for telephony networks, integrating various telephony network charges into a single customer invoice. Usage data is acquired from the telephony network for services such as voicemail, paging, and message dispatching services. Charges are calculated, invoices printed and sent to customers. Taxes are among the charges calculated. (Col. 4: 34-39). Marchbanks does not disclose or suggest verification of a user qualification based on the user's credit rating. This limitation is recited in Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Marchbanks does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Marchbanks does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Marchbanks does not disclose or suggest identification of a user through his/her text message service provider as recited in Claim 40. Thus, Marchbanks does not anticipate or render obvious independent Claim 40. Likewise, Marchbanks does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

**5. U.S. Pat. No. 6,282,276 to Felger**

Felger's '276 Patent discloses billing a telephone call between a caller and a value-added service, such as a psychic counseling service, chatroom, talk line, pay information service or video conferencing service. (Abstract; Col. 6: 35-39; Col. 17: 36-39; Col. 17: 26-28) The system includes features directed to call-limiting, call-blocking and fraud control. (Col. 13: 11-16)

Credit account information is requested before the caller is connected to the value-added service, and this credit account information may include credit card information, debit card information or checking account information. (Abstract) A caller may enter his/her date of birth for purposes of determining his zodiac sign. (Col. 8: 25-31) A caller's available line of credit on a credit card may be determined by accessing a credit card agency. (Col. 14: 46-49) Remote sites, e.g., credit bureaus or banking institutions, may be used to determine the validity of a credit or debit card. (Col. 14: 28-34) After call completion, call charge information is transmitted to a remote site. (Abstract)

Although Felger discusses use of remote sites, such as banking institutions and credit bureaus, these sites are used to validate credit and/or debit cards. Felger does not disclose or suggest a qualification verification device that verifies a user qualification based on the user's credit rating. This limitation is recited in Claim 1, and similarly in independent Claims 7, 40, 63

and 85. Thus, Felger does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Felger does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Felger does not disclose or suggest identification of a user through his/her text message service provider as recited in Claim 40. Thus, Felger does not anticipate or render obvious independent Claim 40. Likewise, Felger does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

**6. U.S. Pat. No. 6,343,284 to Ishikawa *et al.***

Ishikawa discloses Internet billing without usage of a credit card for chargeable services. (Abstract) Chargeable services can be prepaid, including through purchase of a prepaid card. (Col. 8: 12-15) Ishikawa does not disclose or suggest verification of a user qualification based on the user's credit rating. This limitation is recited in Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Ishikawa does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Ishikawa does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Ishikawa does not disclose or suggest identification of a user through his/her text message service provider as recited in Claim 40. Thus, Ishikawa does not anticipate or render obvious independent Claim 40. Likewise, Ishikawa does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.



**7. U.S. Pat. No. 6,529,592 to Khan.**

Khan discloses delivery of a message over a global computer network. (Abstract) The first time a user uses the system, he/she is asked to provide billing information that is used to verify his/her telephone number for billing purposes, and a password and user identification are assigned. (Col. 7: 27-30) On each ensuing visit to the network, the sender is asked to enter his user identification and password, and possibly the sender's telephone number. (Col. 7: 30-33) With proper authentication, the sender enters the short message and the recipient's telephone number. (Abstract) Usage fees for the short message are billed to the sender's billing telephone number. (Abstract)

Khan does not disclose or suggest a qualification verification device that verifies a user qualification based on the user's credit rating. (Although "credit standing" is disclosed once at Col 7: 1-4, it is not disclosed in the context of a qualifier for using the system). This user qualification requirement is recited in Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Khan does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Khan does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Khan does not disclose or suggest identification of a user through his/her text message service provider as recited in Claim 40. Thus, Khan does not anticipate or render obvious independent Claim 40. Likewise, Khan does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

**8. U.S. Pat. No. 6,553,108 to Felger.**

Felger discloses a billing system for computer networks such as the Internet. Information associated with a credit account is requested and communicated to a payment authorization database before the user is connected with a value-added service. (Col. 4: 48 - Col. 6: 35) A user may be identified using a voiceprint comparison, social security number, digital certificate, computer network address or other information. (Col. 12:1-10; Col. 33:1-7) Age is used as a fraud control mechanism. The Felger system compares the customer data against other information, e.g., the birth date to validate the user's identity. (Col. 33:61-67). Felger discloses comparing customer information to a credit report bureau database. (Col. 33:35-42) This is used for fraud control--not to determine whether the user meets qualifications based on his/her credit rating. Felger provides for session blocking based on input data and negative databases. (Col. 21:25-45) Call logging, including start time, end time, duration, etc. are described throughout the specification.

Felger's '108 patent does not disclose or suggest a qualification verification device that verifies a user qualification based on the user's credit rating. Although a credit report bureau's database is disclosed, this information is used to validate the identity of the user, not to verify that the user meets required qualifications based on his/her credit rating. The limitation of a user qualification requirement is recited in Applicants' Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Felger does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Felger does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Felger does not disclose or suggest identification of a user through his/her text message service provider as recited in Claim 40. Thus, Felger does not anticipate or render obvious independent Claim 40. Likewise, Felger does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

**9. U.S. Pat. No. 6,570,870 to Berstis.**

Berstis discloses Internet-based calling services. A user may make a telephone call while browsing the Internet using a "one-click" calling method. (Abstract) The call is billed to the user's ISP. Berstis does not disclose or suggest verification of a user qualification based on the user's credit rating. The limitation of a user qualification requirement is recited in Applicants' Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Berstis does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Berstis does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Berstis does not disclose or suggest identification of a user through his/her text message service provider as recited in Claim 40. Thus, Berstis does not anticipate or render obvious independent Claim 40. Likewise, Berstis does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

**10. U.S. Pat. No. 6,577,858 to Gell.**

Gell discloses an accounting and communication system that supplies and acquires products and services from suppliers of communication services. (Abstract) These suppliers may including telecom service providers. Gell does not disclose or suggest verification of a user qualification based on the user's credit rating. The limitation regarding a user qualification

requirement is recited in Applicants' Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Gell does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Gell does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Gell does not disclose or suggest identification of a user through his/her text message service provider as recited in Claim 40. Thus, Gell does not anticipate or render obvious independent Claim 40. Likewise, Gell does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

**11. U.S. Pat. Pub. No. 2001/0039191 to Maierhofer.**

Maierhofer discloses transmission of a text message in a mobile radio network from a first mobile radio terminal to a second mobile radio terminal. Before transmission of the text message, the system performs a credit check to determine whether sufficient prepaid credits exist. (Paragraphs [0039-0040]) At least one of a telephone number, data network address and distribution code of the first mobile radio terminal is transmitted to a service control point. (Paragraph [0006]) If a sufficient positive credit is available, a debit operation is performed at a service control point and the message is transmitted. (Abstract)

Maierhofer does not disclose or suggest verification of a user qualification based on the user's credit rating. The limitation of a user qualification requirement is recited in Applicants' Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Maierhofer does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Maierhofer does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

**12. U.S. Pat. Pub. No. 2001/0049630 to Justice.**

Justice discloses a computer network for authenticating a purchaser using existing billing information at an Internet Access Provider or Internet Service Provider. If a user wishes to view content from a particular category, the user chooses password protection for that category. (Abstract) Justice does not disclose or suggest verification of a user qualification based on the user's credit rating. Although a credit report bureau's database is disclosed, this information is used to validate the identity of the user, not to verify that the user meets required qualifications based on his/her credit rating. The limitation of a user qualification requirement is recited in Applicants' Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Justice does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Justice does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Justice does not disclose or suggest identification of a user through his/her text message service provider as recited in Claim 40. Thus, Justice does not anticipate or render obvious independent Claim 40. Likewise, Justice does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

**13. U.S. Pat. Pub. No. 2001/0087682 to Roach.**

Roach discloses usage-based billing for network usage, particularly by network service providers. Usage data is associated with call detail records for a particular user. Roach does not disclose or suggest verification of a user qualification based on the user's credit rating. The limitation of a user qualification requirement is recited in Applicants' Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Roach does not anticipate or render obvious

independent claims 1, 7, 40, 63 or 85. Further, Roach does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Roach does not disclose or suggest identification of a user through his/her text message service provider as recited in Claim 40. Thus, Roach does not anticipate or render obvious independent Claim 40. Likewise, Roach does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

**14. U.S. Pat. Pub. No. 2001/0099653 to De Souza *et al.***

De Souza discloses an e-commerce system that allows micropayments. De Souza does not disclose or suggest verification of a user qualification based on the user's credit rating. The limitation of a user qualification requirement is recited in Applicants' Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, De Souza does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, De Souza does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

De Souza does not disclose or suggest identification of a user through his/her text message service provider as recited in Claim 40. Thus, De Souza does not anticipate or render obvious independent Claim 40. Likewise, De Souza does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

**15. U.S. Pat. Pub. No. 2002/0120756 to Lynam *et al.***

Lynam discloses usage-based billing for Internet access. The user requests access to the Internet from an electronic terminal. (Paragraph [0007]) Usage may also be billed based on a

user's telephone number as listed in a CLEC database. (Paragraph [0029]) Before the user is granted Internet access, the Lynam system determines whether the originating number is associated with a database of telephone numbers linked undesirable or unacceptable credit risks. (Paragraph [0013]) The user may be invoiced on the user's regular telephone bill. (Abstract)

Lynam does not disclose or suggest a qualification verification device (which may be software) that verifies a user qualification based on the user's credit rating. Lynam focuses on the originating telephone number as automatically transmitted from the ANI for determining the user's "credit risk." On the other hand, the present application claims that a user qualifier is determined based on user input of a unique user identifier. Moreover, Lynam does not disclose or suggest making a real time evaluation of information associated with a user's credit rating. In Lynam, a database has already been prepared that includes information on originating telephone numbers associated with unacceptable or questionable credit risks. In the present application, the assessment of whether the user meets the required user qualifications based on the user's credit rating may be determined real-time.

Thus, Lynam does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Lynam does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Lynam does not disclose or suggest identification of a user through his/her text message service provider as recited in Claim 40. Thus, Lynam does not anticipate or render obvious independent Claim 40. Likewise, Lynam does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

**16. U.S. Pat. Pub. No. 2002/0128984 to Mehta *et al.***

Mehta discloses transmission-based billing on a computer or over a wired/wireless network. This transmission-based billing provides for tracking of billing information based on the volume of data transmitted between applications or other types of content, and a network. (Paragraph [0025]) The system allows application providers to bill subscribers for use of content on mobile subscriber devices, e.g., wireless devices, on a per-application, per-user basis depending on the extent of usage. (Paragraph [0005]) Accounting and billing are accomplished based on user call records. Billing data may include a timestamp, application identifier and transaction identifier, among other items. (Paragraph [0006]) A user identifier may also be included in the billing data, and this information is sent automatically by the carrier infrastructure when the billing data is sent over a wireless network. (Paragraph [0028]) A billing or proxy server may be used to execute a routine that extracts billing data from the client device, including the user identifier from the billing data. (Paragraph [0050]) In order to generate billing charges, an accounting program may perform a routine that retrieves the billing data. (Paragraph [0051]) The format of the billing records generated is highly dependent upon the system into which the data is being integrated, including an already existing billing system within a wireless carrier infrastructure. (Paragraph [0051])

Mehta does not disclose or suggest verification of a user qualification based on the user's credit rating. The limitation of a user qualification requirement is recited in Applicants' Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Mehta does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Mehta does not anticipate or render



obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

**17. U.S. Pat. Pub. No. 2003/0065615 to Aschir.**

Aschir discloses billing the recipient of an SMS message based on a prepaid account. The message display is suppressed, and the registered short message is thereafter sent to a settlement unit. Data may be transferred in the form of a settlement message to a service control point (SCP) in the telecom network. (Paragraph [0021]) The transferred data may include, for example, the sender, title or dispatch time, for example. (Paragraph [0021]) The settlement unit, which may be a service control point (SCP) in a telecom network, debits the prepaid account if sufficient funds exist and the message is displayed. (Abstract) If the prepaid account is not debited, the display of the short message remains suppressed. (Abstract)

Aschir does not disclose or suggest verification of a user qualification based on the user's credit rating. The limitation of a user qualification requirement is recited in Applicants' Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Aschir does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Aschir does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

**18. WO 01/61592A1 to Runonweb, Inc.**

Runonweb discloses billing a user for application software usage over a network. The applications are provided by an ASP. When the user connects to the ASP, the system checks the user's terminal for the user's identification and usage status, the latter of which includes an indication of whether the user should pay for the software or if the software should be sent to the

user at no charge. (Abstract) The usage status is stored along with user billing information in a transaction server. When the user selects the desired application, an application server transmits form images for the user to input information needed to use the selected software. Pricing and billing modules determine the amount a user should be billed. (Abstract) After the application has run, the user's account is debited according to billing terms and charges are stored at the billing server. (Abstract)

Runonweb does not disclose or suggest verification of a user qualification based on the user's credit rating. The limitation of a user qualification requirement is recited in Applicants' Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Runonweb does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Runonweb does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

**19. WO 01/86570A1 to Apogee Networks, Inc.**

Apogee discloses price-planning based on how services are used. This type of price-planning may be used by network service providers based on how and to what extent their customers use the network. Charges are calculated according to the price plan as applied to actual usage.

Apogee does not disclose or suggest verification of a user qualification based on the user's credit rating. The limitation of a user qualification requirement is recited in Applicants' Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Apogee does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Apogee does not anticipate or

render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

**20. WO 03/032618A1 to Service Factory SF AFB.**

Service Factory discloses a server's authentication of a cellular customer in a wireless LAN hotspot area, allowing a user to be billed by his cellular network operator for usage charges over the LAN. When a customer enters his/her cell phone number, the server requests customer identification information from the network's home location register (HLR) through a gateway GPRS service node. The server creates an account in the wireless LAN network. The user's account details are sent via SMS or e-mail to the user's cellular terminal. A call detail record is sent to the cellular network billing system where the customer is billed by his/her cellular network operator. The wireless LAN operator has an agreement with one or more cellular operators, which agreements allows the wireless LAN operator to offer services to the cellular operator's customers. Information about the allowable services are stored in the HLR of the cellular operator's customer. (Page 5: 16-19) Checks for credit ratings are disclosed as a drawback to existing systems because doing so for each new customer is costly and time-consuming.

Service Factory does not disclose or suggest verification of a user qualification based on the user's credit rating. The limitation of a user qualification requirement is recited in Applicants' Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Service Factory does not anticipate or render obvious independent claims 1, 7, 40, 63 or 85. Further, Service Factory does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

**21. WO 03/081884A1 to Telpin Party, Ltd.**

Telpin discloses the provision of goods or services to a network subscriber. The services may include access to adult content or like restricted telephony services. (Page 1: 4-7) The goods and services may be accessed by a user using a personal computer connected to the network via a modem. (Page 5: 13-15) When the user accesses a selected web site, an Internet dialer program may be sent from the web site to the user's PC. (Page 5:15-20) The system verifies a calling party's number. (Page 2: 18-22) The system also verifies a caller's identity, including through matching manually entered customer data with information in a credit card database, a driver's license database or a telephone directory database. (Page 8: 20-22) The system verifies the age of the subscriber, including by receiving manually entered age data from the calling party, and comparing this data with age verification data from a database. (Page 2:30-Page 3:4) Depending on the type of information received at the call center, the system uses either the driver's license database or the credit card database, and these records enable the matching of a numerical or other field with name and address details. (Page 7:29-Page 8:3) Telpin also discloses that the mere existence of a record in either the driver's license or credit card database indicates that the user is at or above the legally required age. (Page 8:3-6) The system provides the subscriber with a subscriber identifier to enable the subscriber to access goods or services. (Page 2:14-15). The subscriber identifier may be a personal identification number (PIN). (Page 2:16-17).

Telpin does not disclose or suggest verification of a user qualification based on the user's credit rating. The limitation of a user qualification requirement is recited in Applicants' Claim 1, and similarly in independent Claims 7, 40, 63 and 85. Thus, Telpin does not anticipate or render

obvious independent claims 1, 7, 40, 63 or 85. Further, Telpin does not anticipate or render obvious dependent Claims 2-6, 8-39, 41-62, 64-84 or 86-106 by virtue of their dependency on Claims 1, 7, 40, 63 and 85.

Telpin does not disclose or suggest identification of a user through his/her text message service provider as recited in Claim 40. Thus, Telpin does not anticipate or render obvious independent Claim 40. Likewise, Telpin does not anticipate or render obvious dependent Claims 41-62 by virtue of their dependency on Claim 40.

### **Conclusion**

Applicants believe that this application is in condition for allowance, and requests favorable consideration. However, the Examiner is invited to contact Applicants' representative listed below to advance prosecution, if any issues remain.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 501946 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

  
Daphne L. Burton

Registration No. 45,323

2049 Century Park East  
Suite 3400  
Los Angeles, California 90067  
**Date: March 8, 2004**  
Direct dial: 310.788.4125  
Facsimile: 310.277.4730